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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/717,600

11/21/2003

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60279.00067

8208

32294 7590 05/14/2008
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EXAMINER

PATEL, CHANDRAHAS B

ART UNIT

PAPER NUMBER

2616

MAIL DATE

DELIVERY MODE

05/14/2008

PAPER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/717,600
Filing Date: November 21, 2003
Appellant(s): MUSTONEN ET AL.

Majid AlBassam
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 4/15/2008 appealing from the Office action mailed 1/14/2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,147,986	Orsic	11-2000
6,249,820	Dobbins et al.	6-2001
6,829,230	Tiuri	12-2004
6,952,729	Bialk	10-2005

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 44 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claim is claiming an IP address. The IP address is a data structure since its arrangement of bytes that identify the address of a device. Putting the data structure on a computer-readable medium does not make it statutory since the IP address on a computer readable medium does not produce any useful result since IP address on a computer readable medium cannot be used to carry out a useful process. (See MPEP 2106.01).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 22-25, 28-36, 39-43 rejected under 35 U.S.C. 103(a) as being unpatentable over Tiuri (USPN 6,829,230).

Regarding claim 22, Tiuri teaches a method comprising: generating unique IP address from the geographical location data [**Abstract**], wherein the IP address has a global prefix portion and a local suffix portion, and wherein the geographical location information is coded in the prefix part of the address [**Col. 6, lines 10-16, IP address has two portions. First portion is referred to as prefix and second portion is referred by suffix. Applicant claims that geographical information is located in the suffix portion of the IP address. Tiuri teaches geographical information is coded into prefix portion of the address.**]

Tiuri discloses the claimed invention except for geographical location information is coded in the suffix part.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to code the geographical information into suffix part of the IP address by rearranging the geographical information from prefix to suffix. With the modification one can still identify the geographical location of the device and this will create a unique IP address since an IP address is created based on geographical information. Also, it has been held that rearranging parts of an invention involves only routine skilled in the art. *In re Japikse*, 86 USPQ 70 (CCPA 1950). In this case, the geographical information is being relocated from prefix to suffix area.

Regarding claims 23 and 34, Tiuri teaches the geographical location is a three dimensional coordinate [**Abstract**].

Regarding claims 24 and 35, Tiuri teaches the geographical location is a two dimensional coordinate [**Abstract**].

Regarding claims 25 and 36, Tiuri teaches the geographical location information includes additional information [**Col. 4, lines 59-67**].

Regarding claims 28 and 39, Tiuri teaches the address assigned to a mobile device comprises the device number and geographical location information of the router to which the mobile device is connected to [**Col. 4, lines 27-44**].

Regarding claim 29, Tiuri teaches the geographical location information is automatically detected [**Col. 2, lines 29-32**].

Regarding claim 30, Tiuri teaches geographical location information is manually entered [**Col. 2, lines 16-18**].

Regarding claim 31, Tiuri teaches the addressing of subnets of the network is based on the geographic location of the routers [**Col. 6, lines 13-15, prefix of the address has subnet information**].

Regarding claim 32, Tiuri teaches the address are used to improve the network performance by using the geographic location information directing the radio signal to destination when radios are used in physical layer [**Col. 4, lines 59-67 – Col. 5, lines 1-9**].

Regarding claim 33, Tiuri teaches a router for routing IP packets [**Col. 4, lines 13-20**] in which the unique address is based on geographical location information [**Abstract**] and has a global prefix portion and a local suffix portion, wherein the router is configured to harness the geographic location information coded to the prefix portion of the address in routing packets to the destination nodes located in the subnetwork [**Col. 6, lines 10-16, IP address has two**

portions. First portion is referred to as prefix and second portion is referred by suffix. Applicant claims that geographical information is located in the suffix portion of the IP address. Tiuri teaches geographical information is coded into prefix portion of the address.]

Tiuri discloses the claimed invention except for geographical location information is coded in the suffix part.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to code the geographical information into suffix part of the IP address by rearranging the geographical information from prefix to suffix. With the modification one can still identify the geographical location of the device and this will create a unique IP address since an IP address is created based on geographical information. Also, it has been held that rearranging parts of an invention involves only routine skilled in the art. *In re Japikse*, 86 USPQ 70 (CCPA 1950). In this case, the geographical information is being relocated from prefix to suffix area.

Regarding claim 40, Tiuri teaches the router is configured to query the geographical location information from the client attached to the network [**Col. 2, lines 29-32**].

Regarding claim 41, Tiuri teaches the router is configured to assign the geographic location information and terminal device number to client attached to the network [**Col. 4, lines 27-44**].

Regarding claim 42, Tiuri teaches the router is configured to utilize the geographic location information in directing the radio signal to destination when radios are used in physical layer [**Col. 4, lines 57-67 – Col. 5, lines 1-9**].

Regarding claim 43, Tiuri teaches an apparatus comprising: generating means for generating unique internet protocol address from the geographical location data, wherein the internet protocol address has a global prefix portion and a local suffix portion, and wherein the geographical location information is coded in the prefix part of the address [Col. 6, lines 10-16, **IP address has two portions. First portion is referred to as prefix and second portion is referred by suffix. Applicant claims that geographical information is located in the suffix portion of the IP address. Tiuri teaches geographical information is coded into prefix portion of the address.**]

Tiuri discloses the claimed invention except for geographical location information is coded in the suffix part.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to code the geographical information into suffix part of the IP address by rearranging the geographical information from prefix to suffix. With the modification one can still identify the geographical location of the device and this will create a unique IP address since an IP address is created based on geographical information. Also, it has been held that rearranging parts of an invention involves only routine skilled in the art. *In re Japikse*, 86 USPQ 70 (CCPA 1950). In this case, the geographical information is being relocated from prefix to suffix area.

Regarding claim 44, Tiuri teaches a unique IP address embodied on a computer readable medium [Col. 4, lines 27-31] comprising: a global prefix portion and a local suffix portion, wherein the unique internet protocol address is generated from geographical location data of one of a node and a router connected to the node, and wherein the geographical location information

is coded in the prefix part of the unique internet protocol address [**Col. 6, lines 10-16, IP address has two portions. First portion is referred to as prefix and second portion is referred by suffix. Applicant claims that geographical information is located in the suffix portion of the IP address. Tiuri teaches geographical information is coded into prefix portion of the address.**]

Tiuri discloses the claimed invention except for geographical location information is coded in the suffix part.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to code the geographical information into suffix part of the IP address by rearranging the geographical information from prefix to suffix. With the modification one can still identify the geographical location of the device and this will create a unique IP address since an IP address is created based on geographical information. Also, it has been held that rearranging parts of an invention involves only routine skilled in the art. *In re Japikse*, 86 USPQ 70 (CCPA 1950). In this case, the geographical information is being relocated from prefix to suffix area.

Regarding claim 45, Tiuri teaches a routing component for routing IP packets, wherein a unique IP address is based on geographical location information of one of the routing component and a node connected to the routing component, and wherein the unique IP address has a global prefix portion and a local suffix portion, wherein the routing component is configured to utilize the geographic location information, the geographic location information being coded to the prefix portion of the unique IP address, in routing packets to destination nodes located in a subnetwork [**Col. 6, lines 10-16, IP address has two portions. First portion is referred to as**

prefix and second portion is referred by suffix. Applicant claims that geographical information is located in the suffix portion of the IP address. Tiuri teaches geographical information is coded into prefix portion of the address]

Tiuri discloses the claimed invention except for geographical location information is coded in the suffix part.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to code the geographical information into suffix part of the IP address by rearranging the geographical information from prefix to suffix. With the modification one can still identify the geographical location of the device and this will create a unique IP address since an IP address is created based on geographical information. Also, it has been held that rearranging parts of an invention involves only routine skilled in the art. *In re Japikse*, 86 USPQ 70 (CCPA 1950). In this case, the geographical information is being relocated from prefix to suffix area.

Regarding claim 46, Tiuri teaches a system for routing IP packets, the system comprising: a router configured to route data packets between internet and a subnetwork [**Fig. 1, 5**], the subnetwork comprising a group of nodes [**Fig. 1, 4**], wherein a unique IP address is based on geographical location information of one of the router and one node of the group of nodes, wherein the unique IP address has a global prefix portion and a local suffix portion, the router being configured to utilize the geographic location information, the geographic location information being coded to the prefix portion of the unique IP address, in routing packets to destination nodes located in the subnetwork [**Col. 6, lines 10-16, IP address has two portions. First portion is referred to as prefix and second portion is referred by suffix. Applicant**

claims that geographical information is located in the suffix portion of the IP address.

Tiuri teaches geographical information is coded into prefix portion of the address.]

Tiuri discloses the claimed invention except for geographical location information is coded in the suffix part.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to code the geographical information into suffix part of the IP address by rearranging the geographical information from prefix to suffix. With the modification one can still identify the geographical location of the device and this will create a unique IP address since an IP address is created based on geographical information. Also, it has been held that rearranging parts of an invention involves only routine skilled in the art. *In re Japikse*, 86 USPQ 70 (CCPA 1950). In this case, the geographical information is being relocated from prefix to suffix area.

4. Claims 26 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tiuri (USPN 6,829,230) in view of Dobbins et al. (USPN 6,249,820, Herein as Dobbins) and Bialk et al. (USPN 6,952,729, Herein as Bialk).

Regarding claims 26 and 37, Tiuri teaches the additional information is node specific information such as terminal number [Col. 4, lines 41-43], node name [Col. 6, lines 14-16].

However, Tiuri does not teach the additional information includes node layer information, street address, serial number, color or weight.

Dobbins teaches additional information includes node layer information [Col. 3, lines 24-29]. Bialk teaches additional information includes street address, serial number, color or weight [Col. 10, lines 51-55].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include node layer information to enhance security [**Col. 3, lines 23-25**] and include street address, serial number, color or weight so that number of customers can be determined from the address header [**Col. 10, lines 56-58**].

5. Claims 27 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tiuri (USPN 6,829,230) in view of Orsic (USPN 6,147,986).

Regarding claim 27, Tiuri teaches a method as discussed in rejection of claim 22.

However, Tiuri does not teach the address assigned to a mobile device is updated when the mobile device moves and the new address is informed to the register that controls the location of a mobile device.

Orsic teaches the address assigned to a mobile device is updated when the mobile device moves and the new address is informed to the register that controls the location of a mobile device [**Col. 3, lines 26-35**].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to update the address of a mobile device when its moves to different location so that mobile device can communicate when it goes to different location which cannot be served by serving router [**Col. 3, lines 26-35**].

Regarding claim 38, Tiuri teaches a method as discussed in rejection of claim 33.

However, Tiuri does not teach the router is configured to update the address assigned to a mobile device when the mobile device moves.

Orsic teaches the router is configured to update the address assigned to a mobile device when the mobile device moves [Col. 3, lines 26-34].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to update the address assigned to a mobile device when mobile device moves so that the mobile device can be served when it goes into the area of router served by different router [Col. 3, lines 26-34].

(10) Response to Argument

IP address has two portions. First portion is referred to as prefix and second portion is referred by suffix. Applicant claims that geographical information is located in the suffix portion of the IP address. Tiuri teaches geographical information is coded into prefix portion of the IP address. Applicant argues that it would not be obvious to code the geographical location information into suffix portion of the IP address. However, examiner disagrees. It would be obvious to move the geographical information from prefix to suffix since one can still identify the geographical location of the device and this will create a unique IP address since an IP address is created based on geographical information. It would have been obvious to one having ordinary skill in the art at the time the invention was made to move the geographical information into suffix part of the IP address from prefix part of the IP address since it has been held that rearranging parts of an invention involves only routine skilled in the art. *In re Japikse*, 86 USPQ 70 (CCPA 1950).

Applicant argues that IP address on a computer readable medium is statutory. However, an IP address on a computer-readable medium is a data structure. The claim is claiming an IP address. Merely putting a data structure on a computer-readable medium does not make it

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statutory. A data structure or in the instant case IP address on a computer-readable medium cannot produce a useful result. Since the IP address defines the address that the device is going to use to communicate with other devices. The IP address cannot produce any result even though it is encoded on a computer-readable medium since it only defines the address of a device.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Chandahas Patel/
Examiner, Art Unit 2616

Conferees:

/Ricky Ngo/

Supervisory Patent Examiner, Art Unit 2616

/Chau Nguyen/

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